

PATENT  
ATTORNEY DOCKET: 46884-5466

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
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Hiroya KOBAYASHI, et al. ) Confirmation No.: 9353  
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                            )  
Application No.: 10/573,469 ) Group Art Unit: 2814  
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                            )  
Filed: January 19, 2007   ) Examiner: Theresa T. Doan  
                            )  
                            )  
For: SEMICONDUCTOR DEVICE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Action, a Notice of Allowance, or another action that closes prosecution in the above-referenced application. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00, as specified by § 1.17(p).

An Office Action dated April 28, 2009 that issued in a Japanese Patent Application and having documents cited therein is attached for the Examiner's consideration.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and a copy of any cited non-U.S. patent document is also attached hereto.

While the Japanese Office Action dated April 28, 2009 additionally cites to Japanese Patent Application Laid-Open No. 2000-228573, Japanese Patent Application Laid-Open No. 2002-009265, Japanese Patent Application Laid-Open No. H6-196680, Japanese Patent Laid-Open No. H6-029506, and Japanese Patent Application Laid-Open No. 2004-214344, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on January 19, 2007.

The relevance of the attached foreign language documents can be understood from the attached English-language abstracts, and/or from the citations of the documents in the attached Japanese Office Action dated April 28, 2009.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitutes “prior art.” If it should be determined that the listed documents do not constitute “prior art” under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required and

including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



By:

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